

REMARKS

In the Final Office Action, claims 1-2, 9 and 17 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting. Claim 11 was rejected under 35 U.S.C. § 112, ¶ 1. Claims 1, 3, 6-8, and 18 were rejected under 35 U.S.C. § 102(b). Claims 2, 9-16, and 19-24 were rejected under 35 U.S.C. § 103(a).

Claims 1-3, 6-16, and 18-24 have been cancelled without prejudice or disclaimer and with reservation of the right to pursue the subject matter of these claims in later cases. Claims 25-39 have been added.

New Claims

New claims 25-39 are patentable. Independent claims 25, 27, and 35 are directed to amusement devices comprising “a swipe card reader.” None of the references cited in the Final Office Action, alone or in combination, teach or suggest a swipe card reader. Accordingly, claims 25, 27, and 35, and any dependent claims depending directly or indirectly from those claims, stand in condition for allowance.

Support for claim 29 is found at p. 32, ll. 3-8, which teaches that a card brought into proximity with an amusement device of the present invention causes the device to function in a specific manner. More specifically, the passage teaches that the card could include various armor configurations for a toy tank. It is known in the art that the armor configuration information provided by the card must be converted by the microprocessor in order to actuate physical reconfiguration of the armor. See also p. 33, ll. 3-9; and p. 33, l. 21 – p. 34, l. 3. Thus, there is support in the specification for a microprocessor controlling positioning of armor.

Conclusion

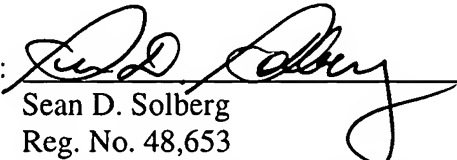
This response is being submitted on or before July 25, 2003 with a Request for Continued Examination and the required fees, making this a timely response. It is believed that no additional fees are due in connection with this filing. However, the Commissioner is authorized to charge any additional fees, including extension fees or other relief which may be required, or credit any overpayment to Deposit Account No. 04-1420.

This application now stands in allowable form and reconsideration and allowance for all pending claims is respectfully requested.

Respectfully submitted,

DORSEY & WHITNEY LLP
Customer Number 25763

Date: July 23 2003

By: 
Sean D. Solberg
Reg. No. 48,653
Intellectual Property Department
Suite 1500
50 South Sixth Street
Minneapolis, MN 55402-1498
(612) 340-7862